

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, Cranston, RI on Tuesday, October 30, 2007 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Pearson, Filippi, Preiss, Blackburn, Jasparro, Jackson, Walker and Richard. Also present were Executive Director Thomas Coffey and Assistant Administrative Officer Carol Marsella. The following cases were heard.

APPEAL # 050366 : Dr. Gabriel Wassouf, for the property located at 2477 East Main Road, Portsmouth. ADSFM Phillip Simmons and Chief Jeffrey Lynch appeared for the Portsmouth Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Richard, Jackson and Jasparro, to grant the Applicant a variance, based on structural hardship, in order to allow the Applicant to maintain the existing headroom in the west egress staircase. The Applicant is granted a time variance of ninety (90) days in which to correct all other outstanding deficiencies. The motion was unanimous.

APPEAL #050339: Mr. Michael Moriarty, for the property located at 2050 East Main Road, Portsmouth. ADSFM Phillip Simmons and Chief Jeffrey Lynch appeared for the Portsmouth Fire Marshal's office. Commissioner Blackburn made a motion, seconded by Commissioner Walker, to grant a variance to maintain the basement stairwell at its current configuration based upon the limited access

and the installation of a fire rated door at the top of the stairs. The Applicant is granted a time variance of 120 days from the date of the decision in order to correct all other outstanding deficiencies, including but not limited to the installation of a local alarm system in this facility. The motion was unanimous.

APPEAL #070390: Ms. Julia Forgue, for the property located at 2154 West Main Road, Portsmouth. ADSFM Phillip Simmons appeared for the Portsmouth Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Jackson, to grant the following relief. The Applicant is granted a variance in order to maintain a single means of egress from the basement and second floor pursuant to the installation of a municipal fire alarm in this facility. The Applicant is granted a time variance of 120 days in which to install the required doors, to seal the penetrations in the floors and ceilings and to apply the required interior finish. The Applicant is granted a time variance of 180 days in which to upgrade to a master box, and install emergency lights and exit signage. The Applicant is granted a time variance of six months to research a plan of action for sprinklering the storage facility. The motion was unanimous.

APPEAL #070422: Mr. James DiPaoli, for the property located at 65 Shun Pike, Johnston. DSFM Wade Palazini appeared for the State Fire Marshal's office. Commissioner Jasparro recused himself from consideration of this case. Commissioner Pearson made a motion, seconded by Commissioner Walker, to grant the Applicant's

requested variance pursuant to verification of no storage allowed under conveyor belts at the Applicant's other facilities. The Applicant also noted that the actual address of this facility will be 9 Austin's Way at the Lakeside Commerce Center, Johnston, RI. The motion was unanimous.

APPEAL #070478: Ms.. Michelle Tuck, for the property located at 1735 Mineral Spring Avenue, North Providence. There were no Deputy State Fire Marshals present, but DSFM David Hart made it known by letter that he had no objections to the Applicant's requested relief. Vice Chairman Newbrook made a motion, seconded by Commissioners Jackson and Richard, to grant the Applicant the requested relief based on structural hardship. The motion was unanimous.

APPEAL #050489: Sunshine At Crossroads, Inc., for the property located at 34 Navy Drive, North Kingstown. Deputy State Fire Marshals Arthur DaCosta and Kaitlyn Foley appeared for the State Fire Marshal's office and ADSFM Gordon Walsh testified for the North Kingstown Fire Marshal's office. Commissioner Preiss recused himself from consideration of this case. Vice Chairman Newbrook made a motion, seconded by Commissioner Jackson, to grant the following relief. The Applicant is granted a variance not to install heat detectors in the cited areas provided the storage is removed where required by the AHJ. A variance is granted to allow the Applicant to maintain two occupancies in the building provided no children from

the daycare are allowed on the second floor. A variance is granted to maintain the two staircases leading to the second floor in their present configuration provided the doors on the upper level are closed at all times. The Applicant is granted a time variance of 120 days to make all necessary corrections, and the State Fire Marshal's office is granted the authority to extend that time limit for good faith effort shown. The Applicant is granted a time variance of 24 months on the separation and enclosure issues, pursuant to the Applicant's testimony that the daycare operation will be moved in 24 months. The motion was unanimous.

APPEAL #050346: St. Paul's Church, for the property located at 76 Main Street, North Kingstown. ADSFM Gordon Walsh appeared for the North Kingstown Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Blackburn, to grant the Applicant a time variance of sixty (60) days in which to install steps with platform in the classrooms that to not have windows that meet the code for rescue windows. The motion was unanimous.

APPEAL #070421: Mr. Thomas Cabana, for the property located at 425 East Avenue, Harrisville. ADSFM Norman Mainville appeared for the Harrisville Fire Marshal's office. Commissioner Blackburn made a motion, seconded by Commissioner Filippi, to grant the Applicant's requested relief based on structural hardship. The Harrisville Fire Marshal is granted the authority to issue a temporary certificate of occupancy for this facility. The motion was unanimous.

APPEAL #070472: Mr. George M. Manyan, for the property located at 167 Ives Street, Providence. ADSFM Timothy Lutz appeared for the Providence Fire Marshal's office. Commissioner Walker made a motion, seconded by Commissioners Blackburn and Richard, to grant the following relief. A variance is granted to allow the current discharge from the basement storage occupancy to remain as long as there is no public access and is used for storage only. A variance is granted to allow the building to be protected by a local fire alarm system until the second and third floors are reoccupied. At that time, a municipal system will be required. All other outstanding deficiencies shall be corrected prior to re-occupancy of the second and third floors of this facility. The Providence Fire Marshal's office is granted the authority to issue a temporary certificate of occupancy for this facility. The motion was unanimous.

Respectfully submitted,

Carol Marsella

Assistant Administrative Officer